

REMARKS/ARGUMENTS

Claims 4-6 are pending in the present application. The claims stand rejected under 35 U.S.C. § 102(a) for allegedly being anticipated by Kanezaki *et al.*, (Biochem Biophys Res Commun. 26 Sept 2003; 309:572-577). This rejection is overcome by the attached translation of the Japanese priority application, as explained below.

The Specification

The specification has been amended to correct an obvious typographical error in the units used to describe the concentrations of insulin receptor α -subunit in serum. In the amended paragraphs, the units are erroneously identified as $\mu\text{g}/\text{mL}$, whereas the correct units are ng/mL . This typographical error would immediately be recognized by one of skill reading the specification in its entirety. For example, the two figures presenting the data referred to in the amended paragraphs (Figures 7 and 8) both express the levels in ng/mL not $\mu\text{g}/\text{mL}$. Similarly, Table 1 on page 29 and Figure 9 all express the levels in ng/mL . Thus, one of skill reading the specification as a whole would recognize the typographical error in the amended paragraphs.

Further, applicants submit the attached publication (Appendix 1) by the inventors in which the concentration is always expressed as being several ng/mL . This publication thus demonstrates the range of insulin receptor α -subunit concentrations in serum expected by those of skill.

Rejection under 35 U.S.C. § 102(a)

The rejection of the claims for allegedly being anticipated by Kanezaki *et al.*, is obviated by the attached English translation of the priority application, Japanese Patent Application No. 2003-121955 (Appendix 2). The claimed methods are clearly supported by the attached application, for example at paragraphs [0046] and [0084], where the invention is described as methods for measuring free insulin receptor α -subunit in blood.

The pending claims are therefore entitled to the benefit of the filing date of the '955 Japanese priority application (April 25, 2003), which is prior to the publication of Kanezaki (September 26, 2003). Applicants note that the Examiner indicates in the Office Action at the

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Amdt. dated September 18, 2009
Reply to Office Action of March 18, 2009

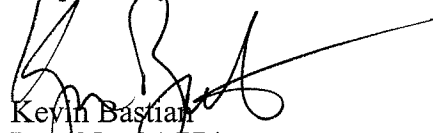
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top of page 3 that the Kanezaki *et al.* reference was published **prior to** the '955 application. In fact, the '955 application is sufficient to antedate the Kanezaki *et al.* reference. Withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,



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